



AF/1632

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fallaux et al.

Serial No.: 10/038,271

Filed: October 23, 2001

For: PACKAGING SYSTEMS FOR
HUMAN RECOMBINANT ADENOVIRUS
TO BE USED IN GENE THERAPY

Examiner: D. Nguyen

Group Art Unit: 1632

Attorney Docket No.: 2578-3833.6US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 13, 2004
Date

Signature

Shirley Dougherty

Name (Type/Print)

RESPONSE UNDER 37 C.F.R. § 1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the final Office action mailed February 11, 2004. In the final Office action, claims 1-6 and 30-38 stood finally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-20 of U.S. Patent 5,994,128 and claims 1-14 of U.S. Patent 6,306,652. Reconsideration is respectfully requested.

Terminal disclaimers responsive to the rejections were filed on January 28, 2004 and entered, according to the U.S. Patent & Trademark Office PAIR website, on February 24, 2004. In view of this entry, the rejections should be overcome and withdrawn.

In view of the foregoing, applicants submit that the application should be in condition for allowance. If questions remain after consideration of the foregoing, however, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Allen C. Turner', with a stylized flourish at the end.

Allen C. Turner

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Date: April 13, 2004